

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

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In re:

Case No.: 15-50792

Diocese of Duluth,

Chapter 11

Debtor-in-Possession.

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**NOTICE OF MOTION AND MOTION FOR ORDER (1) GRANTING EXPEDITED RELIEF (2) ESTABLISHING DEADLINES FOR FILING PROOFS OF CLAIM; (3) APPROVING SEXUAL ABUSE PROOF OF CLAIM FORM; (4) APPROVING FORM AND MANNER OF NOTICE THEREOF; AND (5) APPROVING CONFIDENTIALITY PROCEDURES**

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To: All parties-in-interest specified in Local Rule 9013-3.

1. The Diocese of Duluth moves the Court by this Motion for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this Motion at **9:00 a.m. on Thursday, January 7th, 2016 in Courtroom 8 West, 300 South Fourth Street, Minneapolis, MN 55415.**

3. Local Rule 9006-l(c) provides deadlines for responses to this Motion. However, given the expedited nature of the relief sought the debtor does not object to written responses being served and filed immediately prior to the hearing. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and

1334, Fed. R. Bankr. P. 5005, and Local Rule 1070-1. This is a core proceeding. The petition commencing this chapter 11 case was filed on December 7, 2015. The case is currently pending before this Court.

5. The motion arises under §§ 107, 501 and 502 of the Bankruptcy Code, as well as Fed. R. Bank. P. 1007(j), 2002(a), 3003(c) and 9018, and Local Rule 3002-1. Expedited Relief is requested pursuant to Bankruptcy Rule 9006(c) and Local Rule 9006-1(d). Notice of the hearing on this motion is provided pursuant to Local Rules 9013-3 and 2002-1(b).

### **RELIEF REQUESTED**

6. The Debtor respectfully requests that court grant the request for expedited relief and: (a) establish deadlines within which proofs of claim against the debtor's estate are to be filed; (b) approve the proposed Sexual Abuse Proof of Claim Form; (c) approve the form and manner of the proposed notices of the deadline to file timely claims to ensure fair, reasonable and adequate notice of this deadline to the debtor's known and unknown creditors; and (d) approve procedures allowing Sexual Abuse Claimants to file confidential proof of claim forms.

7. For purposes of this motion and proposed order, a sexual abuse claim shall mean any claim (as defined in 11 U.S.C. § 101(5)) arising from sexual abuse as that term is defined in Minnesota Statutes § 541.073(1), as well as from molestation, rape, undue familiarity, sexually-related physical, psychological or emotional harm, or contacts or interactions of a sexual nature between a child and an adult, or a non-consenting adult and another adult for which such persons believe that the debtor may be liable.

### **BACKGROUND**

8. On December 7, 2015, the debtor filed a voluntary petition for relief pursuant to

chapter 11 of the Bankruptcy Code. The debtor continues to operate its business as a debtor-in-possession pursuant to §§ 1107 and 1108 of the Bankruptcy Code.

9. General background information about the debtor and this case and facts related to this motion is set forth in the *Affidavit of the Reverend James B. Bissonette* (ECF Docket No. 8) regarding the structure and pre-filing history of the debtor.

10. Through this bankruptcy proceeding, the goal of the debtor is to successfully reorganize its financial affairs and fairly and equitably compensate sexual abuse claimants and other creditors.

### **PROPOSED DEADLINE FOR FILING TIMELY PROOF OF CLAIM**

#### **A. Deadlines to File Timely Proof of Claim**

11. Local Rule 3002-1 provides, in pertinent part: “in a Chapter 11 case, the last day to timely file a proof of claim is fixed at ninety (90) days after the date first set for the meeting of creditors.” In this case, with an expected date of February 5, 2016 for the meeting of creditors, the deadline for filing timely proofs of claim would ordinarily be set for May 5, 2016. However, Local Rule 9029-1 states, “in the interest of expediting a decision or for other good cause, the Court may suspend the requirements of provisions of any local rule and may order proceedings in accordance with its directions.” The debtor respectfully requests that the court fix Wednesday, May 25, 2016 as the general deadline for filing a timely claim for all claimants except government units.

12. The above proposed deadline is contemporaneous with the expiration of the statute of limitations under the Minnesota Child Victims’ Act, Minn. Stat. § 541.073. The debtor believes that establishing the claims deadline in conjunction with the expiration of the statute of

limitations will eliminate confusion and allow claimants sufficient time to file a proof of claim.

13. Section 502(b)(9) of the Bankruptcy Code provides that a claim of a government unit shall be timely filed if it is filed before 180 days after the date of the order for relief or such later time as the rules may provide. Accordingly, the debtor respectfully requests that the court fix June 6, 2016 as the deadline for filing a timely claim for government units.

14. The debtor will undertake extensive efforts, as described below, to publicize the filing deadlines to ensure that all potential and presently unknown Sexual Abuse Claimants have a full and adequate opportunity to submit a proof of claim.

15. The debtor has been working diligently with Jeff Anderson and Associates, P.A., counsel for all known Sexual Abuse Claimants, to reach an agreement regarding the deadline for filing proofs of claim and the other claims procedures set forth in this motion. The debtor believes the proposed deadline and the other claims procedures are acceptable to both parties.

#### **B. Individuals required to File Proofs of Claim**

16. All persons and entities holding prepetition claims must file proofs of claim on or before the applicable deadline, including:

- a) Any person or entity whose prepetition claim against the debtor is not listed in the debtor's schedules or whose prepetition claim is listed in the schedules but it listed as disputed, contingent or liquidated, and desires to participate in this case or share in any distributions;
- b) Any person or entity that believes that its prepetition claim is improperly classified in the schedules or is listed in an incorrect amount and desires to have its claim allowed in a classification or amount other than that identified in the schedules; and
- c) Any person who believes that he or she has or may have a claim for sexual

abuse for which the person believes the debtor may be liable.

17. The following persons or entities are not required to file a proof of claim on or before the applicable deadline:

- a) Any person or entity that has already properly filed a proof of claim against the debtor with the Clerk of Court for the United States Bankruptcy Court for the District of Minnesota;
- b) Any person or entity: (a) whose claim is listed in the schedules or any amendments and (b) whose claims is not described therein as “disputed,” “contingent,” or “unliquidated;” and (c) who does not dispute the amount of classification of its claim as set forth in the schedules;
- c) Any person of entity, including professionals retained by the debtor or the committee, who asserts an administrative expense claim against the debtor pursuant to §§ 503(b) and 507(a)(2) of the Bankruptcy Code;
- d) Any person or entity whose claim against the debtor has been allowed by an order of the Court entered on or before the applicable deadline; and
- e) Any person or entity whose claim has previously been paid in full.

#### **PROPOSED SEXUAL ABUSE PROOF OF CLAIM FORM**

18. Considering the unique aspects of a sexual abuse claim, the debtor respectfully requests that a modified proof of claim form should be required for Sexual Abuse Claimants.

19. The proposed Sexual Abuse Proof of Claim Form will provide necessary detailed information to allow the debtor and other parties in interest the ability to effectively evaluate the claim. The debtor anticipates utilizing mediation to come to a quick and consensual resolution of this chapter 11 case. To aid in negotiations, the debtor, the debtor’s insurance carriers and the committee of unsecured creditors will need the information provided in the proposed Sexual Abuse Proof of Claim Form (Exhibit A).

20. As detailed in the attached memorandum of law, the proposed Sexual Abuse

Proof of Claim Form is appropriate under the circumstances.

## **NOTICE PROCEDURES**

### **A. Proposed Notice of the Sexual Abuse Claims Deadline**

21. As soon as reasonably practicable, but in any event no later than five business days after the entry of this order, the debtor shall serve by United States mail, first-class postage prepaid, the Sexual Abuse Claim Filing Deadline Notice (Exhibit B) and the Sexual Abuse Proof of Claim Form (Exhibit A) (collectively, the “Claims Filing Deadline Package”) on the United States Trustee, and on known Sexual Abuse Claimants who have:

- i. Filed pending lawsuits against the debtor alleging that they were sexually abused by employees or agents of the debtor or by clergy previously assigned to the debtor or any others for whom the debtor may be liable;
- ii. Provided to the debtor under Minn. Stat. § 549.09 a written notice of claim of sexual abuse by employees or agents of the debtor or by clergy previously assigned to the debtor or any others for whom the debtor may be liable;
- iii. Contacted the debtor to claim that they were sexually abused as a minor by employees or agents of the debtor or by clergy previously assigned to the debtor or any others for whom the debtor may be liable;
- iv. Are otherwise known to the debtor to be a Sexual Abuse Claimant through reasonably-ascertainable records.

22. Service of the Sexual Abuse Claims Deadline on Sexual Abuse Claimants shall be accomplished through such Sexual Abuse Claimants’ attorneys, if previously identified as counsel for such Sexual Abuse Claimant in connection with the Sexual Abuse Claim, and directly on all other known Sexual Abuse Claimants that have been identified and located by the debtor through reasonably diligent efforts.

23. The debtor's reasonably diligent efforts to ascertain the identity of Sexual Abuse Claimants include a review of current and historical clergy files focused on identifying any alleged instances of child sexual abuse by clergy who held assignments in the Diocese.

#### **B. Proposed Publication**

24. The debtor believes that it would be in the best interest of its estate and all parties in interest to give notice by publication of the deadline for filing timely proofs of claim pursuant to Bankruptcy Rule 2002(1). Notice by publication will alert Sexual Abuse Claimants to the deadline and requirement to file a proof of claim. Accordingly, the debtor proposes to cause notice by way of Exhibit B attached hereto. The debtor proposes that the notice be published as follows in national publications as well as community/local publications.

25. The debtor shall also provide notice of the Claim Filing Deadline established by causing a copy of the Publication Notice (Exhibit C) to be published as follows:

- i. Publication four times in each of the following publications, with the first publication to occur within thirty days of the service of the claim filing deadline packages, the second publication to occur approximately thirty after the first notice, the third publication to occur approximately thirty days after the second notice, and the fourth publication to occur approximately thirty days after the third notice:
  - *National Publication*: USA Today – National Edition
  - *Catholic Publications (and their respective websites)*:
    - National Catholic Reporter (National)
    - The National Catholic Register (National)
    - The Northern Cross (Regional)
  - *Local Publications (and their respective websites)*:
    - Minneapolis Star Tribune

- St. Paul Pioneer Press
- The Minnesota Daily
- Duluth News Tribune
- Post-Bulletin (Rochester)
- St. Cloud Times
- Brainerd Dispatch
- Grand Forks Herald
- Winona Daily News
- The Bemidji Pioneer
- Crookston Daily News
- The Free Press (Mankato)
- The Journal (New Ulm)
- Mesabi Daily News (Virginia)
- Hibbing Daily Tribune
- Grand Rapids Herald Review
- International Falls Journal
- The Duluthian

- ii. The debtor, in consultation with the official committee of unsecured creditors, shall identify Native American publications of the Native American populations within the Diocese's geographical area. The debtor shall cause Publication Notice to be published in these publications on the same schedule set forth above.
- iii. The debtor will request that the Publication Notice is published in a location other than among the standard legal notices.
- iv. In addition to the Publication Notice, the debtor will send copies of the Sexual Abuse Claim Filing Deadline Notice to the publications listed above and to the following:
  - The Associated Press of Minnesota
  - WCCO-AM
  - Minnesota Public Radio
  - KARE-TV
  - KMSP-TV
  - KSPR-TV
  - WCCO-TV
  - Each diocese in Minnesota

- 26. The debtor shall provide further notice of the Claim Filing Deadline by taking



the following measures:

- i. Within five business days of the entry of this order, the debtor will post the component parts of the Sexual Abuse Claim Filing Deadline Package and the Non-Tort Claim Filing Deadline on the following public website: <http://www.dioceseduluth.org>;
- ii. Within five business days of the entry of this order, the debtor will provide a copy of the Publication Notice and component parts of the Sexual Abuse Claim Filing Deadline Package to the Survivors Network of the Abused by Priests and request that it post the same on its website at [www.snapnetwork.org](http://www.snapnetwork.org);
- iii. Within five business days of the entry of this order, the debtor will provide a copy of the Publication Notice and component parts of the Sexual Abuse Claim Filing Deadline Package to Jeff Anderson and Associates P.A. and request that it post the same on its websites at [www.andersonadvocates.com](http://www.andersonadvocates.com);
- iv. The debtor will maintain a telephone number published on their website at <http://www.dioceseduluth.org> which may be used by Sexual Abuse Claimants to ask questions or obtain copies of the Sexual Abuse Claim Filing Deadline Package or parts thereof;
- v. Within two weeks of the service of the Sexual Abuse Claim Filing Deadline Package, the debtor will provide a copy of the Publication Notice and the Sexual Abuse Claim Filing Deadline Notice to the following offices/entities and request that each recipient publicly post such notice until the expiration of the Claim Filing Deadline: (a) The Minnesota Attorney General; (b) the county attorney, the county court administrator, and sheriff's department for each of the counties within the Diocese's geographical area; (c) the Minnesota Department of Health's locations within the Diocese's geographical area; (d) each hospital in the Diocese's geographical area and (e) each of the 74 parishes.
- vi. The debtor will send a letter to each parish requesting that such parish display the Publication Notice and Sexual Abuse Claim Filing Deadline Notice in a prominent location within the church or school. The letter will also request that the notices be published once a month in the parishes' weekly bulletins until the Claim Filing Deadline. The letter will also request that each pastor, canonical administrator, or parochial vicar remind parishioners of the availability of information concerning the Claim Filing Deadline. The letter will also request that parishes disseminate the Publication Notice and Sexual Abuse Claim Filing Deadline Notice by email to their respective distribution lists.

- vii. The debtor will mail a copy of the Sexual Abuse Claim Filing Deadline Notice to all licensed alcohol and addiction treatment centers in the state of Minnesota, as identified by counsel for the committee of unsecured creditors, and to persons identified by counsel for the official committee of unsecured creditors as licensed therapists presently working with sexual abuse claimants.

27. Each request described in Paragraph 26 (v) and (vi) above shall be on the debtor's letterhead and signed by an officer of the debtor. The request described in 26(vi) above, shall include a space at the bottom for the recipient to indicate whether it will comply with the request and a stamped self-addressed return envelope. The debtor will report on compliance to the committee of unsecured creditors.

28. The debtor believes that the publication protocol described above is likely to reach the widest possible audience of creditors who may not otherwise have notice of the debtor's chapter 11 case. It will also protect the confidentiality of the Sexual Abuse Claimants as further detailed below.

29. The Deadline Notice and the Publication Notice will, together: (i) set forth the respective deadline; (ii) advise creditors under what circumstances they may file a proof of claim in respect of a prepetition claim (including Sexual Abuse Claims); (iii) alert creditors to the consequences of failing to timely file a proof of claim, as set forth in Bankruptcy Rule 3003(c)(2) or an order of this Court, as applicable; (iv) set forth the address to which proofs of claims must be sent for filing.

### **CONFIDENTIALITY PROCEDURES**

30. Due to the nature of the information requested in the Sexual Abuse Proof of Claim Form, the debtor seeks approval of the following confidentiality procedures:

- i. Sexual Abuse Claimants shall mail or deliver the original of a Sexual Abuse Proof of Claim Form to the Clerk of the United States Bankruptcy Court for the District of Minnesota at the following address: 301 U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415 Attention: Heidi.
- ii. Sexual Abuse Proof of Claim Forms maintained by the Clerk of Court will not be available for viewing or copying unless otherwise ordered by the court. This confidentiality procedure is for the benefit of the Sexual Abuse Claimants. Accordingly, Sexual Abuse Claimants may elect to make any of the information contained in a Sexual Abuse Proof of Claim Form public, even if they elected to file the Sexual Abuse Proof of Claim Form confidentially. If a Sexual Abuse Claimant affirmatively indicates by checking the box in Part 1 of the Sexual Abuse Proof of Claim Form that the claim is to be made public, that claim will be added to the public claims register. If no box is checked or if both boxes are checked on a Sexual Abuse Proof of Claim Form, that form shall not be made public.
- iii. Sexual Abuse Proof of Claim Forms submitted by Sexual Abuse Claimants shall be held and treated as confidential by the debtor and its counsel and upon request to the permitted parties listed below, subject to each permitted party executing and returning to the debtor's counsel a confidentiality agreement, and to such other persons as the court determines; provided, however, that all parties with access to the Sexual Abuse Proof of Claim Forms shall agree to keep the information provided in a Sexual Abuse Proof of Claim Form confidential (unless the Sexual Abuse Claimant elects otherwise in Part 1 of the Sexual Abuse Proof of Claim Form). Permitted parties may obtain copies of Sexual Abuse Proof of Claim Forms in accordance with the terms of an applicable confidentiality agreement only from counsel for the debtor, and shall not seek or obtain such documents from the clerk of court.
- iv. Permitted parties include: (a) counsel for the debtor; (b) officers and employers of the debtor who are necessary to assist the debtor and its counsel address issues with respect to Sexual Abuse Claims; (c) counsel for the committee of unsecured creditors; (d) insurance companies or their successors, including any authorized claim administrators of such insurance companies, that issued or allegedly issued policies to the debtor and their reinsurers and attorneys; (e) any future claims representative appointed by the court in this case; (f) any mediator, special arbitrator or claims reviewer appointed by the court to review and resolve the Sexual Abuse Claims; (g) any trustee appointed to administer payments to Sexual Abuse Claimants; (h) authorized representatives of a department of corrections with respect to a Sexual Abuse Claim by a Sexual Abuse Claimant who is incarcerated but only to the extent such disclosure is authorized under applicable non-bankruptcy law; (i) members of the committee of unsecured creditors and their personal counsel (after the Sexual Abuse Proof of Claim Form has been redacted to remove the Sexual Abuse

Claimant's name, address and any other information identified in Part 2(A) or 3 of the Sexual Abuse Proof of Claim Form and the signature block); (j) law enforcement in the city or county where the Sexual Abuse Claim arose; (k) auditors of the United States Conference of Catholic Bishops charged with preparing annual audits of diocesan compliance with the Charter for the Protection of Children and Young People; (l) each parish identified in a sexual abuse proof of claim, and the following personnel from the identified parish: (i) the pastor; (ii) the trustees serving on the parish finance council; (iii) the chairperson of the parish finance counsel; (iv) the business administrator of the parish; (v) attorneys serving as counsel to the parish; and (vi) the parish's insurance company; and (m) such other persons as the court determines should have the information in order to evaluate Sexual Abuse Claims only upon a motion by the debtor or the committee of unsecured creditors;

31. Permitted parties and their attorneys shall be authorized to review proofs of claim upon execution of a confidentiality agreement agreed upon by the debtor and the committee of unsecured creditors or pursuant to further order of the court.

32. The proposed order provides that each Sexual Abuse Proof of Claim Form filed must be originally executed and mailed or delivered to the U.S. Bankruptcy Court Clerk at the following address: 301 U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415 Attention: Heidi on or before the Sexual Abuse Claims Deadline. The Clerk of Court will provide copies of the Sexual Abuse Proof of Claim Forms to counsel for the debtor on regular basis.

33. The debtor submits that the confidentiality procedures set forth above are necessary and appropriate under the circumstances of this chapter 11 case. The debtor is sensitive to the issues that may arise from a Sexual Abuse Claimant asserting a claim against the debtor relating to clergy sexual abuse. Through the confidentiality procedures and the Sexual Abuse Proof of Claim Form, the debtor seeks merely to obtain the information that it needs in

order to evaluate the claims, while at the same time protecting Sexual Abuse Claimants' privacy and providing an accessible, user-friendly form that will not discourage Sexual Abuse Claimants from coming forward to assert their claims.

### **FACTS SUPPORTING THE MOTION**

34. Over the last several decades, some clergy members in the Church have violated the sacred trust placed in them by committing acts of sexual abuse. Since the 1990's, the debtor has directed substantial resources towards providing financial, psychological, pastoral and spiritual support to victims.

35. In 1992, the debtor issued a written Sexual Misconduct Policy to protect minors from clergy abuse, and in that same year held workshops for priests and Church personnel on ministry-related sexual misconduct. Included in the implementation of the Sexual Misconduct Policy was the establishment of the Sexual Misconduct Committee. The Committee consisted of a panel of primarily laypersons to advise the bishop on matters related to clergy misconduct.

36. In 2003, the Sexual Misconduct Policy was updated to comply with the publication of the Charter for the Protection of Children and Young People. The Sexual misconduct Committee was renamed the Diocesan Review Board. Among other things, background checks and training programs were required for clergy, employees and volunteers.

37. In 2005, the debtor established the Department of Safe Environment whose primary job is the implementation of the Charter for the Protection of Children and Young People. The Department ensured the completion of background checks, safe environment training and an age-appropriate, Church approved personal safety instruction for minors in schools, Faith Formation Programs and Youth Ministry Programs.

38. The debtor has voluntarily released the names, assignment histories and current status of clergy members against whom “credible claims” of sexual abuse of a minor had been submitted. A “credible claim” is one that is “not implausible.” To date, the debtor has disclosed thirty four (34) priests with credible claims of sexual abuse of a minor. Of these men, fifteen (15) are priests of the Diocese of Duluth, thirteen (13) are order priests and six (6) are from other dioceses. Nine (9) of those priests named are the subject of a lawsuit or a notice of claim. The debtor has disclosed certain background and biological information such as: (i) his year of birth and year of ordination; (ii) whether he is alive or deceased; (iii) if deceased, the year of his death; (iv) his prior assignments; (v) the date of his permanent removal from ministry; and (vi) for those who are alive, their present status with the Church and the city and state in which they reside.

39. The above disclosures are ongoing. If a claim is determined to be credible, whether from the review of clergy files or otherwise, the debtor will share this information with the public.

40. In 2013, the Minnesota legislature enacted the Minnesota Child Victims Act, which extended the statutory limitations period for otherwise time-barred civil damage claims against institutions that allegedly failed to prevent child sexual abuse. On the date of the petition, the debtor was subject to eighteen (18) pending civil actions (six lawsuits and twelve notices of claim) regarding sexual abuse under the Minnesota Child Victims Act.

41. The commencement of this case was broadly reported in media outlets throughout the Region and nationally, including in the Wall Street Journal Bankruptcy Beat (<http://blogs.wsj.com/bankruptcy/2015/12/11/duluth-diocese-to-enter-mediation-with-abuse-victims/>); the Duluth News Tribune (<http://www.duluthnewstribune.com/news/3903625-judge->

[urges-mediation-diocese-duluth-bankruptcy](#)); and CBS Minnesota

(<http://minnesota.cbslocal.com/2015/12/07/diocese-of-duluth-files-for-bankruptcy-after-sex-abuse-award/>), among others.

42. The debtor believes that its prepetition activities and this case's publicity combined with the proposed notice provisions proposed are more than sufficient to provide fair and adequate notice to Sexual Abuse Claimants of their rights to assert claims by the proposed deadline.

### **REQUEST FOR RELIEF**

WHEREFORE, the debtor request entry of an Order:

- a) Granting the motion for expedited relief;
- b) Establishing the deadline for filing timely proofs of claim as set forth in this verified motion;
- c) Approving the Sexual Abuse Proof of Claim Form attached to this verified motion as **Exhibit A**;
- d) Approving the Sexual Abuse Claim Filing Deadline Notice as **Exhibit B**;
- e) Approving the Publication Notice attached to this verified motion as **Exhibit C**;
- f) Approving mailing and posting of the Deadline Notices and Publication Notice in the manner set forth in this verified motion;
- g) Approving procedures to allow Sexual Abuse Claimants to file confidential proof of claim forms; and

h) Granting such other relief as the court deems proper.

Dated: December 30, 2015

Respectfully Submitted,

/e/ Bruce A. Anderson  
ELSAESSER JARZABEK  
ANDERSON ELLIOTT &  
MACDONALD, CHTD.  
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-and-

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**VERIFICATION**

I, Reverend James B. Bissonette, am the Vicar General of the debtor. Based upon my personal information and belief, I declare under penalty of perjury that the facts set forth in the preceding Motion for Order (1) Granting Expedited Relief; (2) Establishing Deadlines for Filing Proofs of Claim; (3) Approving Proof of Claim Forms; (4) Approving Form and Manner of Notice thereof; and (5) Approving Confidentiality Procedures are true and correct, according to the best of my knowledge, information and belief.

Dates: December 30, 2015

Signed: *J. James B. Bissonette*  
The Very Reverend James B. Bissonette

**Exhibit A – Sexual Abuse Proof of Claim Form**

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

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In re:

Case No.: 15-50792

Diocese of Duluth,

Chapter 11

Debtor-in-Possession.

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**SEXUAL ABUSE PROOF OF CLAIM**

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**IMPORTANT:**  
**THIS FORM MUST BE RECEIVED NO LATER THAN**  
**MAY 25, 2016**

Carefully read the instructions included with this SEXUAL ABUSE PROOF OF CLAIM and complete ALL applicable questions. Please print clearly and use blue or black ink. Send the **original** to the U.S. Bankruptcy Court Clerk at the following address: Office of the Clerk of Court, U.S. Bankruptcy Court District of Minnesota, 301 U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415 Attention Heidi.

**THIS PROOF OF CLAIM IS FOR CLAIMANTS OF SEXUAL ABUSE ONLY.  
YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.**

A sexual abuse claim includes any claim arising from sexual abuse as that term is defined in Minnesota Statutes § 541.073(1), as well as from molestation, rape, undue familiarity, sexually-related physical, psychological or emotional harm, or contacts or interactions of a sexual nature between a child and an adult, or a non-consenting adult and another adult for which such persons believe that the Archdiocese may be liable.

**TO BE VALID, THIS PROOF OF CLAIM MUST BE SIGNED BY YOU OR YOUR ATTORNEY. IF THE SEXUAL ABUSE CLAIMANT IS DECEASED OR INCAPACITATED, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE CLAIMANT'S REPRESENTATIVE OR THE ATTORNEY FOR THE ESTATE. IF THE SEXUAL ABUSE CLAIMANT IS A MINOR, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE CLAIMANT'S PARENT OR LEGAL GUARDIAN, OR THE SEXUAL ABUSE CLAIMANT'S ATTORNEY. IF THE SEXUAL ABUSE CLAIMANT DIES AFTER THE SUBMISSION OF THIS FORM, BUT BEFORE THE CLAIM IS RESOLVED, NOTIFICATION OF THE DEATH MUST BE PROVIDED TO THE COURT AT THE ADDRESS ABOVE.**

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to five years, or both. 18 U.S.C. §§ 152 and 3571.

**UNLESS YOU INDICATE OTHERWISE IN PART 1 BELOW, YOUR IDENTITY WILL BE KEPT STRICTLY CONFIDENTIAL, UNDER SEAL, AND OUTSIDE THE PUBLIC RECORD. HOWEVER, INFORMATION IN THIS CLAIM WILL BE PROVIDED PURSUANT TO COURT-APPROVED CONFIDENTIAL GUIDELINES TO COUNSEL FOR THE COMMITTEE OF UNSECURED CREDITORS, AND OTHER COURT-APPROVED THIRD PARTIES IN ORDER TO EVALUATE THE CLAIM.**

**YOUR PROOF OF CLAIM MAY BE DISPUTED OR HONORED IN WHOLE OR IN PART. THE DEBTOR RESERVES THE RIGHT TO OBJECT OR TO ASSERT OFFSETS OR DEFENSES AGAINST ANY FILED PROOF OF CLAIM FORM**

**PART 1: CONFIDENTIALITY**

**THIS SEXUAL ABUSE PROOF OF CLAIM (ALONG WITH ANY ACCOMPANYING EXHIBITS AND ATTACHMENTS) WILL BE MAINTAINED AS CONFIDENTIAL UNLESS YOU EXPRESSLY REQUEST THAT IT BE PUBLICLY AVAILABLE BY CHECKING THE BOX AND SIGNING BELOW.**

- ☐ I want my Proof of Claim (along with any accompanying exhibits and attachments) to be kept **confidential**.
- ☐ I want my Proof of Claim (along with any accompanying exhibits and attachments) to be made **public**.

Please verify this election by signing directly below.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

**PART 2: IDENTIFYING INFORMATION**

**A. Sexual Abuse Claimant**

\_\_\_\_\_  
First Name Middle Initial Last Name Jr/Sr/III

Mailing Address (If Party is incapacitated, is a minor or is deceased, please provide the address of the individual submitting the claim. If you are in jail or prison, your current address.)

\_\_\_\_\_  
City State/Prov. Zip Code (Postal Code) Country  
(if other than USA)

Telephone No(s):  
Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

If you are in jail or prison, your identification number: \_\_\_\_\_

May we leave voicemails for you regarding your claim: ☐ Yes ☐ No

May we send confidential information to your email: ☐ Yes ☐ No

Birth Date: \_\_\_\_\_ ☐ Male ☐ Female  
Month Day Year

Last Four Digits of Social Security Number: XXX-XX- \_\_\_\_\_

Any other name(s) or alias(es) by which the Sexual Abuse Claimant has been known:

**B. Sexual Abuse Claimant's Attorney (if any. Do not list counsel for the Debtors or the Official Creditors Committee):**

\_\_\_\_\_  
Law Firm Name

\_\_\_\_\_  
Attorney's First Name Middle Initial Last Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City State/Prov. Zip Code (Postal Code) Country  
(if other than USA)

\_\_\_\_\_  
Telephone No. Fax No. E-mail address

**PART 3: BACKGROUND INFORMATION**

1. Are you currently married?

☐ Yes ☐ No (If "Yes," please identify the name of your spouse and marriage date.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Have you previously been married?

☐ Yes ☐ No (If “Yes,” please identify your former spouse and, as applicable, the date(s) of any dissolution, divorce, separation or widowhood.)

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3. Do you have children?

☐ Yes ☐ No (If “Yes,” please identify their names and birthdates. If any children have died, please provide their date of death.)

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4. What schools have you attended? For each school, please identify the months and years of your attendance. If you cannot recall the exact months when you began or ended each school year, please identify the season (fall, winter, spring, summer).

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5. Have you received a diploma or degree from any of the schools listed above?

☐ Yes ☐ No (If “Yes,” please identify each diploma or degree that you received and the year you received it.)

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6. Have you served in the armed forces?

☐ Yes ☐ No (If “Yes,” please identify the branch of service, the dates you served and, if you have been discharged, the type of discharge you received.)

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7. Are you currently employed?

☐ Yes ☐ No (If “Yes,” please identify the name of the organization where you are employed, the date that your employment began and your job title.)

8. What is your employment history? Please provide the following information about each place you have previously been employed: (i) the name of the organization where you were employed; (ii) the dates of employment; (iii) your job title(s); and (iv) your reason for leaving the place of employment.

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9. Have you been self-employed?

☐ Yes ☐ No (If "Yes," please provide your job responsibilities and any business name you used. Please also provide the dates of this business.)

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10. Are you retired?

☐ Yes ☐ No (If "Yes," when did you retire? )

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11. Part 4 below will ask you about the nature of your complaint against the Diocese of Duluth. Other than the incident(s) of sexual abuse described in Part 4, have you ever been sexually abused by anyone else? If "Yes," please describe this abuse, including the date of the abuse and the identity of the abuser.

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**PART 4: NATURE OF ABUSE**

(Attach additional separate sheets if necessary)

**NOTE: IF YOU HAVE PREVIOUSLY FILED A LAWSUIT AGAINST THE DEBTOR IN STATE OR FEDERAL COURT, YOU MAY ATTACH THE COMPLAINT. IF YOU DID NOT FILE A LAWSUIT, OR IF THE COMPLAINT DOES NOT CONTAIN**

**ALL OF THE INFORMATION REQUESTED BELOW, YOU MUST PROVIDE THE INFORMATION BELOW.**

1. Who committed each act of sexual abuse?

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2. What is the position, title or relationship to you of the abuser or individual who committed these acts?

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3. Where did the sexual abuse take place? Please be specific and complete all relevant information that you know, including the City and State, name of the parish, school (if applicable) and/or the names of any other location.

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4. When did the sexual abuse take place?

- a. Please be as specific as possible. If you can, please indicate the day, month and year. If you cannot recall the month, please try to recall the season of year (fall, winter, spring summer).

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- b. If you were sexually abused on more than one occasion, please state when the abuse started, when it stopped, and how many times it occurred.

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- c. Please also state your age(s) and your grade(s) in school (if applicable) at the time the abuse took place.

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5. Please describe in as much detail as possible the nature of the sexual abuse. What happened?

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6. Did you tell anyone about the sexual abuse (this would include parents, relatives, friends, the Diocese of Duluth, attorneys, counselors, and law enforcement authorities)?

- a. If "Yes," who did you tell? Please list the name(s) and any contact information you have.

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- b. What did you say?

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- c. When did you tell this person or persons about the abuse?

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- d. If you know, what did the person or persons do in response?

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7. Were there any witnesses? If so, please list their name(s) and any contact information you have, including addresses.

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8. Do you personally know or have reason to believe that the Diocese of Duluth knew that your abuser was abusing you or others before or during the period when such abuse

occurred? If "Yes", please provide all information that supports your conclusion, including the information requested in items 8(a) through 8(e) below.

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a. Who at the Diocese knew that your abuser was abusing you or others?

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b. How did such person or persons at the Diocese learn this information? For example, did you report the abuse to someone from the Diocese? Did someone else tell you they reported it to someone from the Diocese? Did someone from the Diocese witness the abuse?

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c. When did such person or persons at the Diocese learn this information?

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d. What exactly was the person or persons from the Diocese told or what exactly did they observe?

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e. How did you come to have the information you provided in response to the questions above?

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**PART 5: IMPACT OF ABUSE**

(Attach additional separate sheets if necessary)

1. What injuries have occurred to you because of the act or acts of sexual abuse that resulted in the claim (for example, the effect on your education, employment, personal relationships, health, and any physical injuries)?

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2. Have you sought counseling or other treatment for your injuries? If so, with whom and when?

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**PART 6: ADDITIONAL INFORMATION**

1. Prior Non-Bankruptcy Claims: Have you previously filed any lawsuit seeking damages for the sexual abuse described in this claim? ☐ Yes ☐ No (If “Yes” please answer the questions below.)

- a. Where and when did you file the lawsuit?

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- b. Who were the parties to the lawsuit and what was the case number?

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- c. What was the result of that lawsuit?

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2. Prior Bankruptcy Claims: Have you filed any claims in any other bankruptcy case relating to the sexual abuse described in this claim?

☐ Yes ☐ No (If “Yes,” you are required to attach a copy of any completed claim form.)

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3. Any Settlements: Regardless of whether a complaint was ever filed against any party because of the sexual abuse, have you settled any claim or demand relating to the sexual abuse described in this claim?

☐ Yes ☐ No (If "Yes," please describe, including parties to the settlement. You are required to attach a copy of any settlement agreement.)

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- 
- 
4. Bankruptcy: Have you ever filed bankruptcy? ☐ Yes ☐ No (If "Yes," please provide the following information:

Name of Case: \_\_\_\_\_ Court: \_\_\_\_\_

Date Filed: \_\_\_\_\_ Case No.: \_\_\_\_\_

Chapter: ☐ 7 ☐ 11 ☐ 12 ☐ 13 Name of Trustee) \_\_\_\_\_

Date: \_\_\_\_\_

**Sign and print your name. If you are signing the claim on behalf of another person or an estate, print your title.**

**Under penalty of perjury, I declare the foregoing statements to be true and correct.**

**Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

GP:4249728 v1

**Exhibit B – Sexual Abuse Claim Filing Deadline Notice**

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

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In re:

Case No.: 15-50792

Diocese of Duluth,

Chapter 11

Debtor-in-Possession.

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**NOTICE OF THE TIME FOR TIMELY FILING PROOFS OF CLAIMS RELATING  
TO, OR ARISING FROM, SEXUAL ABUSE**

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**THIS IS AN IMPORTANT NOTICE.  
YOUR RIGHTS MIGHT BE AFFECTED.**

**TO ALL PERSONS WITH CLAIMS ARISING FROM SEXUAL ABUSE FOR WHICH  
THE DIOCESE OF DULUTH MAY BE LIABLE:**

**MAY 25, 2016 IS THE LAST DATE TO TIMELY FILE PROOFS OF CLAIMS FOR  
SEXUAL ABUSE**

On December 7, 2015 The Diocese of Duluth filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code in the United States Bankruptcy Court for the District of Minnesota. The debtor's address, the case number, proof of claim forms and other relevant information related to this Chapter 11 case may be obtained at <http://www.dioceseduluth.org>. Individuals have asserted sexual abuse claims against the Diocese, on account of alleged actions by people associated with the Diocese. Any person who believes that he or she has, or may have, a claim arising from sexual abuse as that term is defined in Minnesota Statutes §541.073(1), molestation, rape, undue familiarity, sexually-related physical, psychological or emotional harm, or contacts or interactions of a sexual nature between a child and an adult, or a non-consenting adult and another adult for which such persons believe that the Diocese may be liable should carefully read this notice.

**YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE ANY QUESTIONS,  
INCLUDING WHETHER YOU SHOULD FILE A PROOF OF CLAIM.**

**LAST DATE FOR TIMELY FILING**

The United States Bankruptcy Court for the District of Minnesota entered an order establishing **May 25, 2016**, as the last date for each Sexual Abuse Claimant to timely file a proof of claim. The Claim Filing Deadline and the procedures set forth below for Sexual Abuse Proof of Claim Forms apply to all Sexual Abuse Claims against the debtor, based upon alleged acts of sexual abuse occurring prior to December 7, 2015.

**NOTICE OF MOTION AND MOTION FOR ORDER (1) GRANTING EXPEDITED RELIEF (2) ESTABLISHING DEADLINES FOR FILING PROOFS OF CLAIM; (3) APPROVING SEXUAL ABUSE PROOF OF CLAIM FORM; (4) APPROVING FORM AND MANNER OF NOTICE THEREOF; AND (5) APPROVING CONFIDENTIALITY PROCEDURES - 30**

### **WHO SHOULD FILE**

If you believe that you have a Sexual Abuse Claim, you should file a Sexual Abuse Proof of Claim to maintain and preserve any claims that you have against the debtor. Even if you have already filed a lawsuit against the debtor alleging sexual abuse prior to December 7, 2015, you should still file a Sexual Abuse Proof of Claim Form to maintain and preserve your rights in the debtor's Chapter 11 case.

### **WHO SHOULD NOT FILE**

You should not file a Sexual Abuse Proof of Claim Form if:

Your Sexual Abuse Claim has already been paid in full;

You do not have a claim against the debtor.

### **WHAT TO FILE**

**FILE A SEXUAL ABUSE PROOF OF CLAIM FORM, A COPY OF WHICH IS ENCLOSED. YOU MAY ALSO OBTAIN A COPY OF THE SEXUAL ABUSE PROOF OF CLAIM FORM BY FOLLOWING THE INSTRUCTIONS BELOW:**

### **PROCEDURES FOR FILING A SEXUAL ABUSE PROOF OF CLAIM FORM**

To file a Sexual Abuse Proof of Claim Form, take the following steps:

Fill out the Sexual Abuse Proof of Claim Form in its entirety.

For additional copies of the Sexual Abuse Proof of Claim Form: (a) photocopy the Sexual Abuse Proof of Claim Form; (b) contact the debtor between the hours of 9:00 a.m. and 5:00 p.m. (prevailing Central Time), Monday through Friday; (c) visit the debtor's website at: <http://www.dioceseduluth.org>; or (d) visit the website of United States Bankruptcy Court for the District of Minnesota at <http://www.mnb.uscourts.gov/>

**Please note that the Court's Clerk staff is not permitted to give legal advice. You should consult your own attorney for assistance regarding any such inquiries.**

Return the completed original Sexual Abuse Proof of Claim Form to the U.S. Bankruptcy Court Clerk at the address set forth below by the Claim Filing Deadline. Sexual Abuse Proof of Claim Forms will be deemed timely filed only if they are **actually received** by the Clerk of Court by **May 25, 2016**.

If you are returning a Sexual Abuse Proof of Claim Form by mail, allow sufficient mailing time so that the Sexual Abuse Proof of Claim Form is received on or before **May 25,**

**2016.** Sexual Abuse Proof of Claim Forms that are postmarked before that date, *i.e.*, the Claim Filing Deadline, but which are received by the Clerk of the Court after the Claim Filing Deadline, will be considered tardy.

Sexual Abuse Proof of Claim Forms should be delivered to the following address:

Clerk of Court  
U.S. Bankruptcy Court District of Minnesota  
301 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415  
Attention: Heidi

### **CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM**

There may be consequences for failing to file a claim. Please consult your attorney.

### **CONFIDENTIALITY**

Filed Sexual Abuse Proof of Claim Forms will remain confidential in this bankruptcy case, unless you elect otherwise in Part 1 of the Sexual Abuse Proof of Claim Form. Therefore, the Sexual Abuse Proof of Claim Form that you file will not be available to the general public, but will be kept confidential, except that information will be provided to the debtor, the United States Trustee for the District of Minnesota, the debtor's insurers, attorneys for the official committee of unsecured creditors and its members, any future claims representative appointed under a plan of reorganization, any settlement trustee appointed to administer payments to Sexual Abuse Claimants, prison authorities for incarcerated Sexual Abuse Claimants and such other persons as the court determines should have the information in order to evaluate the Sexual Abuse Claim, all of whom will agree to keep the information provided by you confidential.

Dated:



**Exhibit C – Publication Notice**

**NOTICE OF MOTION AND MOTION FOR ORDER (1) GRANTING EXPEDITED RELIEF (2) ESTABLISHING DEADLINES FOR FILING PROOFS OF CLAIM; (3) APPROVING SEXUAL ABUSE PROOF OF CLAIM FORM; (4) APPROVING FORM AND MANNER OF NOTICE THEREOF; AND (5) APPROVING CONFIDENTIALITY PROCEDURES - 33**



# Diocese of Duluth

## BANKRUPTCY

If you were sexually abused by any person connected with the Diocese, a parish in the Diocese, a school in the Diocese, or have any claim against the Diocese, you must file a claim by May 25, 2016.

**CLAIMS MUST BE FILED BY MAY 25, 2016**

- For more information, visit [dioceseduluth.org](http://dioceseduluth.org)
- For U.S. Bankruptcy Court for the District of Minnesota information, visit [mn.uscourts.gov](http://mn.uscourts.gov)
- For advice about your rights, contact an attorney

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

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In re:

Case No.: 15-50792

Diocese of Duluth,

Chapter 11

Debtor-in-Possession.

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**MEMORANDUM IN SUPPORT OF VERIFIED MOTION FOR ORDER (1) GRANTING EXPEDITED RELIEF; (2) ESTABLISHING DEADLINES FOR FILING PROOFS OF CLAIM; (3) APPROVING SEXUAL ABUSE PROOF OF CLAIM FORM; (4) APPROVING FORM AND MANNER OF NOTICE THEREOF; AND (5) APPROVING CONFIDENTIALITY PROCEDURES**

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**INTRODUCTION**

The debtor submits this memorandum of law in support of its accompanying verified motion for the relief set forth herein.

**FACTS**

The facts relevant to this memorandum are set forth in detail in the verified motion.

**DISCUSSION**

**A. The Debtor's Request for Expedited Relief Should Be Granted**

The debtor's request for expedited relief should be granted. Cause exists to reduce notice of the hearing on this motion. Bankruptcy Rule 2002(a)(1) requires that creditors receive twenty-one day's notice of the meeting of creditors under § 341. It is the debtors' understanding that the meeting of creditors will be held on February 5, 2016. Accordingly, notice of the meeting of creditors, along with notice of the deadline to file a timely proof of claim, is required to be disbursed by January 15, 2016. The expedited relief sought is designed to avoid confusion and to allow the creditors to receive notice of the deadline, requested herein, to file a timely

proof of claim. Given the critical need to provide this notice in an accurate and timely manner, the court should reduce the notice of the hearing on this motion.

**B. The Debtor's Proposed Deadline to File Timely Proofs of Claim Should be Approved and Established**

Bankruptcy Rule 3003(c)(3) provides that the court shall fix the time within which proofs of claim must be filed in a chapter 11 case pursuant to Section 501 of the Bankruptcy Code. Local Rule 3002-1 provides in part that "in a Chapter 11 case, the last day to timely file a proof of claim is fixed at ninety (90) days after the date first set for the meeting of creditors." Local Rule 9029-1, however, also states that "in the interest of expediting a decision or for other good cause, the Court may suspend the requirements or provisions of any local rule and may order proceedings in accordance with its directions."

"A bar date serves an important purpose of enabling the parties to a bankruptcy case to identify with reasonable promptness the identity of those making claims against the bankruptcy estate, and the general amount of the claims, as a necessary step in achieving the goals of reorganization." *In re Energy Future Holdings Corp., et al.*, 522 B.R. 520, 526-27 (Bankr. D. Del. 2015) (*quoting In re Victory Mem'l Hosp.*, 435 B.R. 1, 4 (Bankr. E.D.N.Y. 2010)). This rule "contributes to one of the main purposes of bankruptcy law, securing, within a limited time, the prompt and effectual administration and settlement of the debtor's estate." *Id.* at 527 (*quoting In re Smidth & Co.*, 413 B.R. 161, 165 (Bankr. D. Del 2009)).

In this case, there is good cause to establish the deadline for filing proofs of claim past 90 days after the date first set for the meeting of creditors. This extended deadline is primarily justified because of the unique nature of the claims. The standard procedures for filing proofs of claim are unsuitable as the debtor requires time to effectuate comprehensive notice. More

importantly, though, is the fact that potential claimants may benefit from the additional time to complete and submit a proof of claim.

The debtors and the attorneys for the Sexual Abuse Claimants have agreed upon the proposed May 25, 2016 deadline. This date is simultaneous with the expiration of the statute of limitation under the Minnesota Child Victim's Act, Minn. Stat. § 541.073. This concurrence is intentional as the parties believe that the mediation process will be most effective if the entire universe of claims is known. The deadline will not only provide claimants with adequate time to file a proof of claim but it is also consistent with the debtor's overall goal to come to a quick and efficient resolution.

The Sexual Abuse Claim Deadline is approximately five months from the petition date. This length of time is consistent with other recent diocese bankruptcies. *See, e.g., In re Roman Catholic Bishop of Helena, Montana (Diocese of Helena)*, Case No. 14-60074 (Bankr. D. Mont. Jan.31, 2014) (ECF No. 242) (approving an abuse claim filing deadline approximately six months from the petition date); and *In re the Archdiocese of Saint Paul and Minneapolis*, Case No. 15-30125 (Bankr. D. Minn. Jan. 7, 2015) (EFC No. 188) (approving an abuse claim filing deadline more than six month from the petition date).

### **C. The Proposed Sexual Abuse Proof of Claim Form Should be Approved**

Bankruptcy Rule 3001(a) provides that “a proof of claim shall conform substantially to the appropriate Official Form.” However, Bankruptcy Rule 9009 authorizes appropriate and necessary alterations, “[t]he Official Forms prescribed by the Judicial Conference of the United States shall be observed and used with alterations as may be appropriate. Forms may be combined and their contents rearranged to permit economies in their use....” The Fourth Circuit

has recognized that substantial alterations to Official Proof of Claim Form may be necessary when dealing with tort claims. *In re A.H. Robins Co., Inc.*, 862 F.2d 1092 (4th Cir. 1988).

The Sexual Abuse Proof of Claim Form attached as Exhibit A provides appropriate and necessary modifications to the Official Form. Among other things, it provides information needed to allow the debtor and the other parties-in-interest, such as insurers, to evaluate Sexual Abuse Claims. For these reasons, similar forms have been approved in other diocese or religious order bankruptcy cases. *See e.g., In re Archdiocese of Saint Paul and Minneapolis*, Case No. 15-30125 (Bankr. D. Minn. Jan. 7, 2015) (EFC No. 188); *In re Roman Catholic Bishop of Helena, Montana (Diocese of Helena)*, Case No. 14-60074 (Bankr. D. Mont. Jan.31, 2014) (ECF No. 242); *In re Catholic Diocese of Wilmington, Inc.*, Case No. 09-13560 (Bankr. D. Del. Feb. 1, 2010) (ECF No 308); *In re Diocese of Tucson*, Case No. 04-04721 (Bankr. D. Ariz. Nov. 5, 2044) (ECF No. 118).

**D. The Proposed Notice and Publication Protocol Should be Adopted and Implemented in this Case**

In order to satisfy the requirements of due process, “known” creditors must receive actual, mail notice of bankruptcy proceedings. *Chemetron Corp. v. Jones*, 72 F.3d 341, 345 (3d Cir. 1995). By contrast, notice by publication is sufficient to satisfy the requirement of due process for “unknown” creditors. *See id.* at 346-47; *see also In re Energy Future Holdings Corp.*, 522 B.R. 520, 529 (Bankr. D. Del. 2015) (“Publication in national newspapers is regularly deemed sufficient notice to unknown creditors, especially where supplemented....with notice in papers of general circulation in locations where the debtor is conducting business.”).

***i. The Debtor’s Notice to Known Creditors Is Sufficient***

A “known” creditor is one whose identity is either known or “reasonably ascertainable by the debtor.” *Chemetron*, 73 F.3d at 346 (citing *Tulsa Professional Collection Serv., Inc. v. Pope*, 485 U.S. 478 (1988)). In identifying “known” creditors, due process requires debtors to perform reasonable diligence of their books and records but it does not require that debtors engage in “impracticable and extended searches.” *Mullane v Central Hanover Bank & Trust Co.*, 339 U.S. 306, 317 (1950); *see also In re Thimson McKinnon Securities Inc.*, 130 B.R. 717, 720 (Bankr. S.D.N.Y. 1991) (noting that the debtor is not required to search out each conceivable or possible creditor). The requisite search for a known creditor usually requires only a careful examination of the debtor’s books and records. *In re Energy Future Holding Corp.*, 522 B.R. at 529.

After a careful examination of its books and records, including background checks, the debtor believes that it has identified all known creditors. The debtor does not have any secured creditors and, other than the Sexual Abuse Claimants, it has minimal unsecured creditors. The debtor will update its schedules and the master mailing matrix if it becomes aware of any additional creditors.

The proposed service of the Claims Filing Deadline Package and the Publication Notice satisfy the due process requirements and reasonably apprise interested persons of the applicable deadlines. All known creditors, including all Sexual Abuse Claimants made known to the debtor through reasonable diligence will receive actual, mailed notice of the claims deadline.

***ii. The Debtor’s Notice to Unknown Creditors Is Sufficient***

An unknown creditor is one whose “interests are either conjectural or future or, although they could be discovered upon investigation, do not in due course of business come to the knowledge” of the debtor. *Mullane*, 339 U.S. at 317; *see also Walters v. Hunt (In re Hunt)*, 146 B.R. 178 (Bankr. N.D. Tex. 1992) (“Unknown creditors include those whose identifies or claims

are not reasonably ascertainable....”). In bankruptcy cases, when determining whether a creditor is “known” or “unknown” and the appropriate form and extent of notice thereto, courts must balance the interests of the debtor’s existing and potential creditors as well as other parties in interest. *See Vancouver Women’s Health Collective Soc. v. A.H. Robins Co., Inc.*, 820 F.2d 1359, 1364 (4th Cir. 1987); *see also Fogel v. Zell*, 221 F.3d 955, 963 (7th Cir. 2000). A debtor need only make “reasonably diligent efforts” to uncover identities and claims of such creditors. *In re Hunt*, 146 B.R at 182.

With respect to unknown creditors, the debtor’s proposed publication efforts is designed to reach the widest possible audience of creditors who may not otherwise have notice of the debtor’s chapter 11 case, through far-reaching dissemination of the Publication Notice or Deadline, including notice to (1) national print media, (2) local and national catholic publications, (3) leading local publications in circulation in and beyond the Region, (4) claimant and diocesan websites, (5) the Minnesota Attorney General, (6) the county attorney, county clerk and sheriff’s departments, (7) the Minnesota Department of Health, (8) each hospital located within the geographical region of the debtor, and (9) each of the parishes located within the diocese.

As described above, the debtor will undertake significant efforts to ascertain the identities of potential creditors. These efforts are fair and reasonable and will provide good, sufficient and due notice to all creditors of their rights and obligations in connection with claims they may assert against the debtor.



**E. The Proposed Confidentiality Procedures Should Be Implemented to Protect the Rights and Privacy of Sexual Abuse Claimants**

Section 107(b) of the Bankruptcy Code provides that court with the power to issue orders that will protect entities and individuals from harm that may result from the disclosure of potentially scandalous or defamatory information. This section provides in relevant part:

(b) On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court's own motion, the bankruptcy court may –

(2) protect a person with respect to scandalous or defamatory matter contained in paper filed in a case under this title.

11 U.S.C. § 107(b), *see also* Fed. R. Bankr. P. 9018 (“On motion or on its own initiative, with or without notice, the court may make any order which justice requires .... (2) to protect any entity against scandalous or defamatory matter contained in any paper filed in a case under the Code.”)

Many of the sexual abuse claimants have disclosed their names to the debtor in confidence. The debtor believes that it has a duty to keep the identities of Sexual Abuse Claimants confidential. Sexual Abuse Claimants should not be forced to make their identities public in order to participate in this case.

Under the confidential procedures proposed in this case, the Sexual Abuse Proof of Claim Forms submitted by Sexual Abuse Claimants will not be available to the general public unless a Sexual Abuse Claimant affirmatively indicates, in writing, his or her desire that the proof of claim be made public. Dissemination of the Sexual Abuse Proof of Claim Forms will also be limited to the permitted parties, subject to each permitted party agreeing in writing to keep the information provided in the forms confidential. Through these confidentiality procedures, the debtor and the permitted parties may obtain the information necessary to evaluate the Sexual

Abuse Claims while at the same time ensuring that Sexual Abuse Claimants are not discouraged from coming forward to assert their claims.

### **CONCLUSION**

For the foregoing reasons, this court should grant the request for expedited relief and enter an order: (a) establish deadlines within which proofs of claim against the debtor's estate are to be filed; (b) approve the proposed Sexual Abuse Proof of Claim Form; (c) approve the form and manner of the proposed notices of the deadline to file timely claims; and (d) approve procedures allowing Sexual Abuse Claimants to file confidential proof of claim forms.

Dated: December 30, 2015

Respectfully Submitted,

/s/ Bruce A. Anderson  
ELSAESSER JARZABEK  
ANDERSON ELLIOTT &  
MACDONALD, CHTD.  
Bruce A. Anderson (#3392)  
J. Ford Elsaesser (#2205)  
123 South Third Avenue  
Suite 24  
Sandpoint, ID 83864  
Tel: (208) 263-8517  
[brucea@ejame.com](mailto:brucea@ejame.com)  
[ford@ejame.com](mailto:ford@ejame.com)

-and-

/s/ Phillip L. Kunkel  
GRAY PLANT MOOTY  
Phillip L. Kunkel (#058981)  
1010 West St. Germain  
Suite 500  
St. Cloud, MN 56301  
Tel:(320) 202-5335  
Fax:(320) 252-5626  
[phillip.kunkel@gpmlaw.com](mailto:phillip.kunkel@gpmlaw.com)

*Attorneys for the Diocese of Duluth*

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

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In re:

Case No.: 15-50792

Diocese of Duluth,

Chapter 11

Debtor-in-Possession.

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**CERTIFICATE OF SERVICE**

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I HEREBY CERTIFY that on December 30, 2015, I electronically filed the Notice of Motion and Motion for Order (1) Granting Expedited Relief and (2) Establishing Deadlines for Filing Proofs of Claim; (3) Approving Proof of Claim Forms; (4) Approving Form and Manner of Notice Thereof; and (5) Approving Confidentiality Procedures; Memorandum of Law; and Proposed Order with the Clerk of the Court in the above-captioned matter using the CM/ECF system, which sent a Notice of Electronic Filing to the following person(s):

Jeffrey R Anderson on behalf of Interested Party Certain Personal Injury Creditors  
[jeff@andersonadvocates.com](mailto:jeff@andersonadvocates.com), [therese@andersonadvocates.com](mailto:therese@andersonadvocates.com); [erin@andersonadvocates.com](mailto:erin@andersonadvocates.com)

J. Ford Elsaesser on behalf of Debtor 1 Diocese of Duluth  
[ford@ejame.com](mailto:ford@ejame.com), [katie@ejame.com](mailto:katie@ejame.com)

Michael G Finnegan on behalf of Interested Party Certain Personal Injury Creditors  
[mike@andersonadvocates.com](mailto:mike@andersonadvocates.com), [therese@andersonadvocates.com](mailto:therese@andersonadvocates.com); [erin@andersonadvocates.com](mailto:erin@andersonadvocates.com)

Phillip Kunkel on behalf of Debtor 1 Diocese of Duluth  
[phillip.kunkel@gpmlaw.com](mailto:phillip.kunkel@gpmlaw.com)

Robert Raschke on behalf of U.S. Trustee US Trustee  
[robert.raschke@usdoj.gov](mailto:robert.raschke@usdoj.gov)

US Trustee  
[ustpreion12.mn.ecf@usdoj.gov](mailto:ustpreion12.mn.ecf@usdoj.gov)

Sarah J Wencil on behalf of U.S. Trustee US Trustee  
[Sarah.J.Wencil@usdoj.gov](mailto:Sarah.J.Wencil@usdoj.gov)

I FURTHER CERTIFY that on December 30, 2015, I served the same on the following:

See attached MML

AND I FURTHER CERTIFY that on December 30, 2015, I served the same on the following Non-ECF parties, US mail, postage prepaid:

IRS DISTRICT COUNSEL  
380 JACKSON STREET, SUITE 650  
SAINT PAUL, MN 55101

INTERNAL REVENUE SERVICE  
WELLS FARGO PLACE  
30 7TH STREET  
MAIL STOP 5700  
ST PAUL MN 55101

MN DEPARTMENT OF REVENUE  
COLLECTION ENFORCEMENT  
551 BANKRUPTCY SECTION  
600 NORTH ROBERT STREET  
SAINT PAUL 55101

OFFICE OF THE U.S. ATTORNEY  
600 US COURTHOUSE  
300 SOUTH FOURTH STREET  
MINNEAPOLIS, MN 55415

DATED this 30th day of December, 2015.

/s/ Bruce A. Anderson  
Bruce A. Anderson

Label Matrix for local noticing  
0864-5  
Case 15-50792  
District of Minnesota  
Duluth  
Wed Dec 30 11:49:17 CST 2015

Duluth  
404 U.S. Courthouse  
515 West First Street  
Duluth, MN 55802-1302

CATHEDRAL OF OUR LADY  
2801 E 4TH STREET  
DULUTH MN 55812-1599

CLAIMANT 03  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

CLAIMANT 06  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

CLAIMANT 09  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

CLAIMANT 12  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

DOE 28  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

DOE 70  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

HOLY FAMILY CHURCH  
2430 W 3RD STREET  
DULUTH MN 55806-1801

Certain Personal Injury Creditors  
Jeff Anderson & Associates  
366 Jackson Street  
Suite 100  
St. Paul, MN 55101-2989

ALL SAINTS CHURCH  
411 N. 10TH STREET  
BRAINERD MN 56401-3027

CLAIMANT 01  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

CLAIMANT 04  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

CLAIMANT 07  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

CLAIMANT 10  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

DOE 01  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

DOE 30  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

HOLY ANGELS CHURCH  
PO BOX 487  
MOOSE LAKE MN 55767-0487

HOLY FAMILY CHURCH  
280 RESERVATION ROAD  
CLOQUET MN 55720-9736

Diocese of Duluth  
2830 East Fourth Street  
Duluth, MN 55812-1501

BLESSED SACRAMENT  
2310 7TH AVENUE, E  
HIBBING MN 55746-1943

CLAIMANT 02  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

CLAIMANT 05  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

CLAIMANT 08  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

CLAIMANT 11  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

DOE 05  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

DOE 68  
C/O JEFF ANDERSON AND ASSOC.  
366 JACKSON STREET, SUITE 100  
SAINT PAUL MN 55101-2989

HOLY CROSS CHURCH  
PO BOX 218  
ORR MN 55771-0218

HOLY FAMILY CHURCH  
299 RED OAK DRIVE  
AITKIN MN 56431-7431

HOLY FAMILY CHURCH  
PO BOX 156  
MCGREGOR MN 55760-0156

HOLY ROSARY CHURCH  
16 W 5TH AVENUE NORTH  
AURORA MN 55705-1359

HOLY ROSARY CHURCH  
PO BOX 549  
GRAND MARAIS MN 55604-0549

HOLY SPIRIT CHURCH  
227 3RD STREET  
TWO HARBORS MN 55616-1657

HOLY SPIRIT CHURCH  
306 S 2ND STREET  
VIRGINIA MN 55792-2697

IMMACULATE CONCEPTION CHURCH  
535 8TH STREET  
PINE CITY MN 55063-1632

IMMACULATE CONCEPTION CHURCH  
PO BOX 378  
FLOODWOOD MN 55736-0378

IMMACULATE HEART  
PO BOX 155  
CROSSLAKE MN 56442-0155

MARY IMMACULATE  
PO BOX 290  
COLERAINE MN 55722-0290

MARY IMMACULATE CHURCH  
10 COREY STREET  
COLERAINE MN 55722

OFFICE ENTERPRISES  
1808 BELKNAP  
SUPERIOR WI 54880-2595

OUR LADY OF FATIMA  
299 RED OAK DRIVE  
AITKIN MN 56431-7431

OUR LADY OF FATIMA  
PO BOX 156  
MCGREGOR MN 55760-0156

OUR LADY OF HOPE  
16 W 5TH AVENUE, NORTH  
AURORA MN 55705-1359

OUR LADY OF LOURDES  
PO BOX 759  
PEQUOT LAKES MN 56472-0759

OUR LADY OF MERCY  
325 E 3RD STREET  
DULUTH MN 55805-1897

OUR LADY OF THE SACRED HEART  
PO BOX 27  
BUHL MN 55713-0027

OUR LADY OF THE SNOWS  
PO BOX 11  
BIGFORK MN 56628-0011

PETER'S PENCE COLLECTION  
THE APOSTOLIC NUNCIATURE  
3339 MASSACHUSETTS AVENUE NW  
WASHINGTON DC 20008-3610

QUEEN OF PEACE  
102 4TH STREET  
CLOQUET MN 55720-1797

QUEEN OF PEACE  
16 W 5TH AVENUE, N  
AURORA MN 55705-1359

RESURRECTION CHURCH  
PO BOX 586  
EVELETH MN 55734-0586

SACRED HEART  
PO BOX 874  
WALKER MN 56484-0874

SACRED HEART CHURCH  
306 S 2ND STREET  
VIRGINIA MN 55792-2697

ST, LUKE CHURCH  
PO BOX 644  
SANDSTONE MN 55072-0644

ST. AGNES CHURCH  
PO BOX 874  
WALKER MN 56484-0874

ST. ALICE CHURCH  
PO BOX 759  
PEQUOT LAKES MN 56472-0759

ST. ANDREW CHURCH  
1108 WILLOW STREET, SE  
BRAINERD MN 56401-4499

ST. ANDREW'S CATHOLIC CHURCH  
1108 WILLOW STREET  
BRAINERD MN 56401-4499

ST. ANNE CHURCH  
PO BOX 98  
DEER RIVER MN 56636-0098

ST. ANTHONY CHURCH  
231 E CAMP  
ELY MN 55731-1495

ST. AUGUSTINE CHURCH  
601 2ND AVENUE, NW  
GRAND RAPIDS MN 55744

ST. BENEDICT CHURCH  
1419 ST. BENEDICT DRIVE  
DULUTH MN 55811-2299

ST. CATHERINE CHURCH  
PO BOX 11  
BIGFORK MN 56628-0011

ST. CECILIA CHURCH  
326 2ND STREET  
NASHWAUK MN 55769-1239

ST. CHARLES CHURCH  
PO BOX 368  
CASS LAKE MN 56633-0368

ST. CHRISTOPHER CHURCH  
PO BOX 759  
PEQUOT LAKES MN 56472-0759

ST. COLUMBAN CHURCH  
PO BOX 294  
LITTLEFORK MN 56653-0294

ST. EDWARD CHURCH  
PO BOX 38  
LONGVILLE MN 56655-0038

ST. ELIZABETH CHURCH  
721 N 57TH AVENUE, WEST  
DULUTH MN 55807-1396

ST. EMILY CHURCH  
PO BOX 25  
EMILY MN 56447-0025

ST. FRANCIS CHURCH  
411 N. 10TH STREET  
BRAINERD MN 56401-3027

ST. FRANCIS CHURCH  
509 SUNRISE DRIVE  
CARLTON MN 55718-9710

ST. ISIDORE CHURCH  
8118 LAKE STREET  
WILLOW RIVER MN 55795-9740

ST. JAMES CHURCH  
299 RED OAK DRIVE  
AITKIN MN 56431-7431

ST. JAMES CHURCH  
721 N 57TH AVENUE, WEST  
DULUTH MN 55807-1396

ST. JOHN CHURCH  
16 W. 5TH AVENUE, N  
AURORA MN 55705-1359

ST. JOHN CHURCH  
4230 ST. JOHN'S AVENUE  
DULUTH MN 55803-1595

ST. JOHN CHURCH  
PO BOX 549  
GRAND MARAIS MN 55604-0549

ST. JOSEPH CHAPEL PO BOX 609  
COOK MN 55723-0609

ST. JOSEPH CHURCH  
2410 MORRIS THOMAS ROAD  
DULUTH MN 55811-3299

ST. JOSEPH CHURCH  
315 SW 21ST STREET  
GRAND RAPIDS MN 55744-4148

ST. JOSEPH CHURCH  
411 N. 10TH STREET  
BAXTER MN 56401-3027

ST. JOSEPH CHURCH  
535 8TH STREET  
PINE CITY MN 55063-1632

ST. JOSEPH CHURCH  
617 POPLAR STREET  
CROSBY MN 56441-1245

ST. JOSEPH CHURCH PO BOX 586  
EVELETH MN 55734-0586

ST. JOSEPH CHURCH PO BOX 98  
DEER RIVER MN 56636-0098

ST. JOSEPH'S CHURCH  
113 4TH STREET, SW  
CHISHOLM MN 55719-2017

ST. LAWRENCE CHURCH  
2410 MORRIS THOMAS ROAD  
DULUTH MN 55811-3299

ST. LOUIS CHURCH  
PO BOX 378  
FLOODWOOD MN 55736-0378

ST. MARTIN CHURCH  
PO BOX 757  
TOWER MN 55790-0757

ST. MARY AND JOSEPH CHURCH  
509 SUNRISE DRIVE  
CARLTON MN 55718-9710

ST. MARY CHURCH  
57 HORN BLVD.  
SILVER BAY MN 55614-1232

ST. MARY CHURCH  
8118 LAKE STREET  
WILLOW RIVER MN 55795-9740

ST. MARY CHURCH  
PO BOX 378  
FLOODWOOD MN 55736-0378

ST. MARY CHURCH  
PO BOX 609  
COOK MN 55723-0609

ST. MARY CHURCH  
PO BOX 98  
DEER RIVER MN 56636-0098

ST. MARY STAR OF THE SEA  
325 E 3RD STREET  
DULUTH MN 55805-1897

ST. MATHIAS  
1108 WILLOW STREET  
BRainerd MN 56401-4424

ST. MATHIAS CHURCH  
1108 WILLOW STREET, SE  
BRainerd MN 56401-4499

ST. MICHAEL CHURCH  
4901 E SUPERIOR STREET  
DULUTH MN 55804-2495

ST. MICHAEL CHURCH  
PO BOX 52  
NORTHOME MN 56661-0052

ST. PATRICK CHURCH  
PO BOX 490  
HINCKLEY MN 55037-0490

ST. PAUL CHURCH  
PO BOX 38  
LONGVILLE MN 56655-0038

ST. PHILIP CHURCH  
3 SIXTH AVENUE  
PROCTOR MN 55810-1633

ST. PIUS X CHURCH  
15 ASH BLVD  
BABBITT MN 55706-1131

ST. RAPHAEL CHURCH  
5779 SEVILLE ROAD  
DULUTH MN 55811-9661

ST. ROSE CHURCH  
3 SIXTH AVENUE  
PROCTOR MN 55810-1688

ST. THOMAS CHAPEL  
411 N 10TH STREET  
BRainerd MN 56401-3027

ST. THOMAS CHURCH  
810 5TH STREET  
INTERNATIONAL FALLS MN 56649-2291

TOSHIBA BUSINESS SOLUTIONS  
9740 IRVINE BOULEVARD  
IRVINE CA 92618-1608

US Trustee  
1015 US Courthouse  
300 S 4th St  
Minneapolis, MN 55415-3070

WELLS FARGO BANK  
PO BOX 64  
CAROL STREAM IL 60197-6415

Wells Fargo Bank, N.A.  
Business Direct Division  
P.O. Box 29482  
Phoenix, AZ 85038-9482

Ben Gustafson *ecf*  
Jeff Anderson & Associates PA  
c/o Jeff Anderson  
366 Jackson St Ste 100  
St Paul, MN 55101-2989

Bruce A. Anderson  
Elsaesser Jarzabek Anderson Elliott & Ma  
320 East Neider Avenue, Suite 102  
Coeur d'Alene, ID 83815-6007

J. Ford Elsaesser  
Elsaesser Jarzabek Anderson Elliott & Ma  
1123 South Third Avenue, Suite 24  
Sandpoint, ID 83864

Phillip Kunkel *ecf*  
Gray Plant Mooty  
1010 West Street Germain  
Suite 600  
St Cloud, MN 56301

Quin Buchtel *ecf*  
Jeff Anderson & Associates PA  
c/o Jeff Anderson  
366 Jackson St Ste 100  
St Paul, MN 55101-2989

William Weis *ecf*  
Jeff Anderson & Associates PA  
c/o Jeff Anderson  
366 Jackson St Ste 100  
St Paul, MN 55101-2989



UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

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In re:

Case No.: 15-50792

Diocese of Duluth,

Chapter 11

Debtor-in-Possession.

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**ORDER GRANTING MOTION FOR EXPEDITED RELIEF; ESTABLISHING  
DEADLINES FOR FILING PROOFS OF CLAIM; APPROVING SEXUAL ABUSE  
PROOF OF CLAIM FORM; APPROVING FORM AND MANNER OF NOTICE;  
AND APPROVING CONFIDENTIALITY PROCEDURE**

---

The case came before the court on the motion of the debtor for an order establishing deadlines for filing proofs of claim, approving proof of claim forms, approving the form and manner of notice, and approving confidentiality procedures in connection with the filing of proofs of claim.

Based on the motion and the file,

IT IS ORDERED:

1. The debtor's motion for expedited relief is granted.
2. The debtor's motion for an order establishing deadlines for filing proofs of claim, approving proof of claim forms, approving the form and manner of notice, and approving confidentiality procedures in connection with the filing of proofs of claim is granted as set forth in this order.

**FORM**

3. The Sexual Abuse Proof of Claim Form, the Sexual Abuse Claims Filing Deadline Notice and the Publication Notice, in the forms attached as Exhibits A, B, and C are approved.

Creditors with claims other than sexual abuse claims may use the official proof of claim form

### **NOTICE**

4. The form and manner of notice as approved in this order fulfill the notice requirements of the Federal Rules of Bankruptcy Procedure and the local rules of this court. Notice of the filing deadlines in the form and manner attached is fair and reasonable and will provide sufficient notice to all creditors of their rights and obligations in connection with claims they may assert in this case. Accordingly, the debtor is authorized and directed to serve and publish the notices in the manner described in this order.

### **DEADLINE FOR TIMELY FILING CLAIMS**

5. The last day to timely file a proof of claim in this case is set as **May 25, 2016**. This deadline applies to all persons, including sexual abuse claimants, and entities, other than governmental units.

6. The last day for any governmental unit to file a timely proof of claim is **June 6, 2016**.

### **REQUIREMENTS FOR SEXUAL ABUSE PROOF OF CLAIM FORMS**

7. Persons asserting claims arising from sexual abuse as that term is defined in Minnesota Statutes § 541.073(1), as well as from molestation, rape, undue familiarity, sexually-related physical, psychological or emotional harm, or contacts or interactions of a sexual nature between a child and an adult, or a non-consenting adult and another adult for which such persons believe that the debtor may be responsible shall file a Sexual Abuse Proof of Claim Form (Exhibit A).

8. The Clerk of Court shall maintain a copy of each Sexual Abuse Proof of Claim Form in electronic form in accordance with the confidentiality procedures outlined below. The Clerk of Court will assign each Sexual Abuse Proof of Claim Form a number and shall list that number on the public docket without a link to the Sexual Abuse Proof of Claim Form and without the name

of the claimant. All original Sexual Abuse Proof of Claim Forms shall be turned over to the attorneys for the debtor at regular intervals.

### **CONFIDENTIALITY PROCEDURES**

9. Sexual Abuse Proof of Claim Forms shall be submitted pursuant to the following confidentiality procedures:

- i. Sexual Abuse Claimants shall mail or deliver the original of a Sexual Abuse Proof of Claim Form to the Clerk of the United States Bankruptcy Court for the District of Minnesota at the following address: 301 U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415 Attention: Heidi.
- ii. Sexual Abuse Proof of Claim Forms maintained by the Clerk of Court will not be available for viewing or copying unless otherwise ordered by the court. This confidentiality procedure is for the benefit of the Sexual Abuse Claimants. Accordingly, Sexual Abuse Claimants may elect to make any of the information contained in a Sexual Abuse Proof of Claim Form public, even if they elected to file the Sexual Abuse Proof of Claim Form confidentially. If a Sexual Abuse Claimant affirmatively indicates by checking the box in Part 1 of the Sexual Abuse Proof of Claim Form that the claim is to be made public, that claim will be added to the public claims register. If no box is checked or if both boxes are checked on a Sexual Abuse Proof of Claim Form, that form shall not be made public.
- iii. Sexual Abuse Proof of Claim Forms submitted by Sexual Abuse Claimants shall be held and treated as confidential by the debtor and its counsel and upon request to the permitted parties listed below, subject to each permitted party executing and returning to the debtor's counsel a confidentiality agreement, and to such other persons as the court determines; provided, however, that all parties with access to the Sexual Abuse Proof of Claim Forms shall agree to keep the information provided in a Sexual Abuse Proof of Claim Form confidential (unless the Sexual Abuse Claimant elects otherwise in Part 1 of the Sexual Abuse Proof of Claim Form). Permitted parties may obtain copies of Sexual Abuse Proof of Claim Forms in accordance with the terms of an applicable confidentiality agreement only from counsel for the debtor, and shall not seek or obtain such documents from the clerk of court.
- iv. Permitted parties include: (a) counsel for the debtor; (b) officers and employers of the debtor who are necessary to assist the debtor and its counsel address issues with respect to Sexual Abuse Claims; (c) counsel

for the committee of unsecured creditors; (d) insurance companies or their successors, including any authorized claim administrators of such insurance companies, that issued or allegedly issued policies to the debtor and their reinsurers and attorneys; (e) any future claims representative appointed by the court in this case; (f) any mediator, special arbitrator or claims reviewer appointed by the court to review and resolve the Sexual Abuse Claims; (g) any trustee appointed to administer payments to Sexual Abuse Claimants; (h) authorized representatives of a department of corrections with respect to a Sexual Abuse Claim by a Sexual Abuse Claimant who is incarcerated but only to the extent such disclosure is authorized under applicable non-bankruptcy law; (i) members of the committee of unsecured creditors and their personal counsel (after the Sexual Abuse Proof of Claim Form has been redacted to remove the Sexual Abuse Claimant's name, address and any other information identified in Part 2(A) or 3 of the Sexual Abuse Proof of Claim Form and the signature block); (j) law enforcement in the city or county where the Sexual Abuse Claim arose; (k) auditors of the United States Conference of Catholic Bishops charged with preparing annual audits of diocesan compliance with the Charter for the Protection of Children and Young People; (l) each parish identified in a sexual abuse proof of claim, and the following personnel from the identified parish: (i) the pastor; (ii) the trustees serving on the parish finance council; (iii) the chairperson of the parish finance counsel; (iv) the business administrator of the parish; (v) attorneys serving as counsel to the parish; and (vi) the parish's insurance company; and (m) such other persons as the court determines should have the information in order to evaluate Sexual Abuse Claims only upon a motion by the debtor or the committee of unsecured creditors.

10. Permitted parties and their attorneys shall be authorized to review proofs of claim upon execution of a confidentiality agreement agreed upon by the debtor and the committee of unsecured creditors or pursuant to further order of the court. The court may approve additional permitted parties upon motion.

11. Access to the Sexual Abuse Proof of Claim Forms extends only to the individual who executes the confidentiality agreement. A separate confidential agreement must be signed by each individual who seeks access to the records on behalf of a permitted party.

### **TIMING AND FORM OF NOTICE**

12. As soon as reasonably practicable after the entry of this order, the Clerk of Court shall give notice by United States mail, first-class postage prepaid, or by electronic means, of the non-tort claim filing deadline to (a) the United States Trustee for the District of Minnesota; (b) counsel to the committee of unsecured creditors; (c) all persons and entities that have filed a notice of appearance in this case; (d) all persons and entities that have previously filed proofs of claims in this Chapter 11 case.

13. As soon as reasonably practicable, but in any event no later than five business days after the entry of this order, the debtor shall serve by United States mail, first-class postage prepaid, the Sexual Abuse Claim Filing Deadline Notice (Exhibit B) and the Sexual Abuse Proof of Claim Form (Exhibit A) on the United States Trustee, and on known Sexual Abuse Claimants who have:

- i. Filed pending lawsuits against the debtor alleging that they were sexually abused by employees or agents of the debtor or by clergy previously assigned to the debtor or any others for whom the debtor may be liable;
- ii. Provided to the debtor under Minn. Stat. § 549.09 a written notice of claim of sexual abuse by employees or agents of the debtor or by clergy previously assigned to the debtor or any others for whom the debtor may be liable;
- iii. Contacted the debtor to claim that they were sexually abused as a minor by employees or agents of the debtor or by clergy previously assigned to the debtor or any others for whom the debtor may be liable;
- iv. Are otherwise known to the debtor to be a Sexual Abuse Claimant through reasonably-ascertainable records.

14. The service of the Sexual Abuse Claim Filing Deadline Notice and Sexual Abuse Proof of Claim Form on Sexual Abuse Claimants shall be accomplished through such Sexual Abuse Claimants' attorneys, if previously identified as counsel for such Sexual Abuse Claimant in

connection with a Sexual Abuse Claim, and directly on all other known potential Sexual Abuse Claimants that have been identified and located by the debtor through reasonably diligent efforts.

15. The Publication Notice and the Sexual Abuse Claim Filing Deadline Notice shall include a reference to this court's website ([www.mnb.uscourts.gov](http://www.mnb.uscourts.gov)) where all claim forms shall be made available.

16. The service outlined above shall constitute service on all known creditors of the debtor. All other creditors of the debtor shall be deemed to be unknown for the purpose of service of notice of the Claim Filing Deadline.

17. The debtor shall also provide notice of the Claim Filing Deadline established in this order by causing a copy of the Publication Notice (Exhibit C) to be published as follows:

- i. Publication four times in each of the following publications, with the first publication to occur within thirty days of the service of the claim filing deadline packages, the second publication to occur approximately thirty after the first notice, the third publication to occur approximately thirty days after the second notice, and the fourth publication to occur approximately thirty days after the third notice:

- *National Publication:* USA Today – National Edition
- *Catholic Publications (and their respective websites):*
  - National Catholic Reporter (National)
  - The National Catholic Register (National)
  - The Northern Cross (Regional)
- *Local Publications (and their respective websites):*
  - Minneapolis Star Tribune
  - St. Paul Pioneer Press
  - The Minnesota Daily
  - Duluth News Tribune
  - Post-Bulletin (Rochester)
  - St. Cloud Times
  - Brainerd Dispatch

- Grand Forks Herald
  - Winona Daily News
  - The Bemidji Pioneer
  - Crookston Daily News
  - The Free Press (Mankato)
  - The Journal (New Ulm)
  - Mesabi Daily News (Virginia)
  - Hibbing Daily Tribune
  - Grand Rapids Herald Review
  - International Falls Journal
  - The Duluthian
- ii. The debtor, in consultation with the official committee of unsecured creditors, shall identify Native American publications of the Native American populations within the Diocese's geographical area. The debtor shall cause Publication Notice to be published in these publications on the same schedule set forth above.
- iii. The debtor will request that the Publication Notice is published in the above listed publications in a location other than among the standard legal notices.
- iv. In addition to the Publication Notice, the debtor will send copies of the Sexual Abuse Claim Filing Deadline Notice to the publications listed above and to the following:
  - The Associated Press of Minnesota
  - WCCO-AM
  - Minnesota Public Radio
  - KARE-TV
  - KMSP-TV
  - KSPR-TV
  - WCCO-TV
  - Each diocese in Minnesota

18. The debtor shall provide further notice of the Claim Filing Deadline by taking the following measures:

- i. Within five business days of the entry of this order, the debtor will post the component parts of the Sexual Abuse Claim Filing Deadline Package and the Non-Tort Claim Filing Deadline on the following public website:  
<http://www.dioceseduluth.org>;

- ii. Within five business days of the entry of this order, the debtor will provide a copy of the Publication Notice and component parts of the Sexual Abuse Claim Filing Deadline Package to the Survivors Network of the Abused by Priests and request that it post the same on its website at [www.snapnetwork.org](http://www.snapnetwork.org);
- iii. Within five business days of the entry of this order, the debtor will provide a copy of the Publication Notice and component parts of the Sexual Abuse Claim Filing Deadline Package to Jeff Anderson and Associates P.A. and request that it post the same on its websites at [www.andersonadvocates.com](http://www.andersonadvocates.com);
- iv. The debtor will maintain a telephone number published on their website at <http://www.dioceseduluth.org> which may be used by Sexual Abuse Claimants to ask questions or obtain copies of the Sexual Abuse Claim Filing Deadline Package or parts thereof;
- v. Within two weeks of the service of the Sexual Abuse Claim Filing Deadline Package, the debtor will provide a copy of the Publication Notice and the Sexual Abuse Claim Filing Deadline Notice to the following offices/entities and request that each recipient publicly post such notice until the expiration of the Claim Filing Deadline: (a) The Minnesota Attorney General; (b) the county attorney, the county court administrator, and sheriff's department for each of the counties within the Diocese's geographical area; (c) the Minnesota Department of Health's locations within the Diocese's geographical area; (d) each hospital in the Diocese's geographical area; and (e) each of the 74 parishes.
- vi. The debtor will send a letter to each parish requesting that such parish display the Publication Notice and Sexual Abuse Claim Filing Deadline Notice in a prominent location within the church or school. The letter will also request that the notices be published prominently once a month in the parishes' weekly bulletins until the Claim Filing Deadline. The letter will also request that each pastor, canonical administrator, or parochial vicar remind parishioners of the availability of information concerning the Claim Filing Deadline. The letter will also request that parishes disseminate the Publication Notice and Sexual Abuse Claim Filing Deadline Notice by email to their respective distribution lists.
- vii. The debtor will mail a copy of the Sexual Abuse Claim Filing Deadline Notice to all licensed alcohol and addiction treatment centers in the state of Minnesota, as identified by counsel for the committee of unsecured creditors, and to persons identified by counsel for the official committee of unsecured creditors as licensed therapists presently working with sexual abuse claimants.



19. Each request described in paragraph 18(v) and (vi) above shall be on the debtor's letterhead and signed by an officer of the debtor. The request described in 18(vi) above, shall include a space at the bottom for the recipient to indicate whether it will comply with the request and a stamped self-addressed return envelope. The debtor will report on compliance to the committee of unsecured creditors.

20. In addition, the Clerk of Court shall post the Sexual Abuse Proof of Claim Form, the Sexual Abuse Claims Filing Deadline Notice and Publication Notice on the website for the United States Bankruptcy Court for the District of Minnesota by adding a link on the court's home page ([www.mnb.uscourts.gov](http://www.mnb.uscourts.gov)) to easily access filing deadline information.

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Robert J. Kressel  
United States Bankruptcy Judge

**Exhibit A – Sexual Abuse Proof of Claim Form**

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

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In re:

Case No.: 15-50792

Diocese of Duluth,

Chapter 11

Debtor-in-Possession.

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**SEXUAL ABUSE PROOF OF CLAIM**

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**IMPORTANT:**  
**THIS FORM MUST BE RECEIVED NO LATER THAN**  
**MAY 25, 2016**

Carefully read the instructions included with this SEXUAL ABUSE PROOF OF CLAIM and complete ALL applicable questions. Please print clearly and use blue or black ink. Send the **original** to the U.S. Bankruptcy Court Clerk at the following address: Office of the Clerk of Court, U.S. Bankruptcy Court District of Minnesota, 301 U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415 Attention: Heidi.

**THIS PROOF OF CLAIM IS FOR CLAIMANTS OF SEXUAL ABUSE ONLY.  
YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.**

A sexual abuse claim includes any claim arising from sexual abuse as that term is defined in Minnesota Statutes § 541.073(1), as well as from molestation, rape, undue familiarity, sexually-related physical, psychological or emotional harm, or contacts or interactions of a sexual nature between a child and an adult, or a non-consenting adult and another adult for which such persons believe that the Diocese may be liable.

**TO BE VALID, THIS PROOF OF CLAIM MUST BE SIGNED BY YOU OR YOUR ATTORNEY. IF THE SEXUAL ABUSE CLAIMANT IS DECEASED OR INCAPACITATED, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE CLAIMANT'S REPRESENTATIVE OR THE ATTORNEY FOR THE ESTATE. IF THE SEXUAL ABUSE CLAIMANT IS A MINOR, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE CLAIMANT'S PARENT OR LEGAL GUARDIAN, OR THE SEXUAL ABUSE CLAIMANT'S ATTORNEY. IF THE SEXUAL ABUSE CLAIMANT DIES AFTER THE SUBMISSION OF THIS FORM, BUT BEFORE THE CLAIM IS RESOLVED, NOTIFICATION OF THE DEATH MUST BE PROVIDED TO THE COURT AT THE ADDRESS ABOVE.**

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to five years, or both. 18 U.S.C. §§ 152 and 3571.

**UNLESS YOU INDICATE OTHERWISE IN PART 1 BELOW, YOUR IDENTITY WILL BE KEPT STRICTLY CONFIDENTIAL, UNDER SEAL, AND OUTSIDE THE PUBLIC RECORD. HOWEVER, INFORMATION IN THIS CLAIM WILL BE PROVIDED PURSUANT TO COURT-APPROVED CONFIDENTIAL GUIDELINES TO COUNSEL FOR THE COMMITTEE OF UNSECURED CREDITORS, AND OTHER COURT-APPROVED THIRD PARTIES IN ORDER TO EVALUATE THE CLAIM.**

**YOUR PROOF OF CLAIM MAY BE DISPUTED OR HONORED IN WHOLE OR IN PART. THE DEBTOR RESERVES THE RIGHT TO OBJECT OR TO ASSERT OFFSETS OR DEFENSES AGAINST ANY FILED PROOF OF CLAIM FORM**

**PART 1: CONFIDENTIALITY**

**THIS SEXUAL ABUSE PROOF OF CLAIM (ALONG WITH ANY ACCOMPANYING EXHIBITS AND ATTACHMENTS) WILL BE MAINTAINED AS CONFIDENTIAL UNLESS YOU EXPRESSLY REQUEST THAT IT BE PUBLICLY AVAILABLE BY CHECKING THE BOX AND SIGNING BELOW.**

- ☐ I want my Proof of Claim (along with any accompanying exhibits and attachments) to be kept **confidential**.
- ☐ I want my Proof of Claim (along with any accompanying exhibits and attachments) to be made **public**.

Please verify this election by signing directly below.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

**PART 2: IDENTIFYING INFORMATION**

**A. Sexual Abuse Claimant**

\_\_\_\_\_  
First Name Middle Initial Last Name Jr/Sr/III

Mailing Address (If Party is incapacitated, is a minor or is deceased, please provide the address of the individual submitting the claim. If you are in jail or prison, your current address.)

\_\_\_\_\_  
City State/Prov. Zip Code (Postal Code) Country  
(if other than USA)

Telephone No(s):  
Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

If you are in jail or prison, your identification number: \_\_\_\_\_

May we leave voicemails for you regarding your claim: ☐ Yes ☐ No

May we send confidential information to your email: ☐ Yes ☐ No

Birth Date: \_\_\_\_\_ ☐ Male ☐ Female  
Month Day Year

Last Four Digits of Social Security Number: XXX-XX- \_\_\_\_\_

Any other name(s) or alias(es) by which the Sexual Abuse Claimant has been known:

**B. Sexual Abuse Claimant's Attorney (if any. Do not list counsel for the Debtors or the Official Creditors Committee):**

\_\_\_\_\_  
Law Firm Name

\_\_\_\_\_  
Attorney's First Name Middle Initial Last Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City State/Prov. Zip Code (Postal Code) Country  
(if other than USA)

\_\_\_\_\_  
Telephone No. Fax No. E-mail address

**PART 3: BACKGROUND INFORMATION**

1. Are you currently married?

☐ Yes ☐ No (If "Yes," please identify the name of your spouse and marriage date.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Have you previously been married?

☐ Yes ☐ No (If "Yes," please identify your former spouse and, as applicable, the date(s) of any dissolution, divorce, separation or widowhood.)

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3. Do you have children?

☐ Yes ☐ No (If "Yes," please identify their names and birthdates. If any children have died, please provide their date of death.)

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4. What schools have you attended? For each school, please identify the months and years of your attendance. If you cannot recall the exact months when you began or ended each school year, please identify the season (fall, winter, spring, summer).

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5. Have you received a diploma or degree from any of the schools listed above?

☐ Yes ☐ No (If "Yes," please identify each diploma or degree that you received and the year you received it.)

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6. Have you served in the armed forces?

☐ Yes ☐ No (If "Yes," please identify the branch of service, the dates you served and, if you have been discharged, the type of discharge you received.)

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7. Are you currently employed?

☐ Yes ☐ No (If "Yes," please identify the name of the organization where you are employed, the date that your employment began and your job title.)

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8. What is your employment history? Please provide the following information about each place you have previously been employed: (i) the name of the organization where you were employed; (ii) the dates of employment; (iii) your job title(s); and (iv) your reason for leaving the place of employment.

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9. Have you been self-employed?

☐ Yes ☐ No (If "Yes," please provide your job responsibilities and any business name you used. Please also provide the dates of this business.)

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10. Are you retired?

☐ Yes ☐ No (If "Yes," when did you retire? )

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11. Part 4 below will ask you about the nature of your complaint against the Diocese of Duluth. Other than the incident(s) of sexual abuse described in Part 4, have you ever been sexually abused by anyone else? If "Yes," please describe this abuse, including the date of the abuse and the identity of the abuser.

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**PART 4: NATURE OF ABUSE**

**(Attach additional separate sheets if necessary)**

**NOTE: IF YOU HAVE PREVIOUSLY FILED A LAWSUIT AGAINST THE DEBTOR IN STATE OR FEDERAL COURT, YOU MAY ATTACH THE COMPLAINT. IF YOU DID NOT FILE A LAWSUIT, OR IF THE COMPLAINT DOES NOT CONTAIN**

**ALL OF THE INFORMATION REQUESTED BELOW, YOU MUST PROVIDE THE INFORMATION BELOW.**

1. Who committed each act of sexual abuse?

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2. What is the position, title or relationship to you of the abuser or individual who committed these acts?
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- 
- 
3. Where did the sexual abuse take place? Please be specific and complete all relevant information that you know, including the City and State, name of the parish, school (if applicable) and/or the names of any other location.
- 
- 
- 
4. When did the sexual abuse take place?
- a. Please be as specific as possible. If you can, please indicate the day, month and year. If you cannot recall the month, please try to recall the season of year (fall, winter, spring summer).
- 
- 
- 
- b. If you were sexually abused on more than one occasion, please state when the abuse started, when it stopped, and how many times it occurred.
- 
- 
- 
- c. Please also state your age(s) and your grade(s) in school (if applicable) at the time the abuse took place.
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- 
5. Please describe in as much detail as possible the nature of the sexual abuse. What happened?
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6. Did you tell anyone about the sexual abuse (this would include parents, relatives, friends, the Diocese of Duluth, attorneys, counselors, and law enforcement authorities)?

a. If "Yes," who did you tell? Please list the name(s) and any contact information you have.

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b. What did you say?

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c. When did you tell this person or persons about the abuse?

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d. If you know, what did the person or persons do in response?

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7. Were there any witnesses? If so, please list their name(s) and any contact information you have, including addresses.

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8. Do you personally know or have reason to believe that the Diocese of Duluth knew that your abuser was abusing you or others before or during the period when such abuse occurred? If "Yes", please provide all information that supports your conclusion, including the information requested in items 8(a) through 8(e) below.

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a. Who at the Diocese knew that your abuser was abusing you or others?

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- b. How did such person or persons at the Diocese learn this information? For example, did you report the abuse to someone from the Diocese? Did someone else tell you they reported it to someone from the Diocese? Did someone from the Diocese witness the abuse?

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- 
- c. When did such person or persons at the Diocese learn this information?

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- 
- 
- d. What exactly was the person or persons from the Diocese told or what exactly did they observe?

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- 
- 
- e. How did you come to have the information you provided in response to the questions above?

**PART 5: IMPACT OF ABUSE**

(Attach additional separate sheets if necessary)

1. What injuries have occurred to you because of the act or acts of sexual abuse that resulted in the claim (for example, the effect on your education, employment, personal relationships, health, and any physical injuries)?
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2. Have you sought counseling or other treatment for your injuries? If so, with whom and when?

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**PART 6: ADDITIONAL INFORMATION**

1. Prior Non-Bankruptcy Claims: Have you previously filed any lawsuit seeking damages for the sexual abuse described in this claim? ☐ Yes ☐ No (If “Yes” please answer the questions below.)

a. Where and when did you file the lawsuit?

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b. Who were the parties to the lawsuit and what was the case number?

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c. What was the result of that lawsuit?

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2. Prior Bankruptcy Claims: Have you filed any claims in any other bankruptcy case relating to the sexual abuse described in this claim?

☐ Yes ☐ No (If “Yes,” you are required to attach a copy of any completed claim form.)

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3. Any Settlements: Regardless of whether a complaint was ever filed against any party because of the sexual abuse, have you settled any claim or demand relating to the sexual abuse described in this claim?

☐ Yes ☐ No (If “Yes,” please describe, including parties to the settlement. You are required to attach a copy of any settlement agreement.)

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4. Bankruptcy: Have you ever filed bankruptcy? ☐ Yes ☐ No (If "Yes," please provide the following information:

Name of Case: \_\_\_\_\_ Court: \_\_\_\_\_

Date Filed: \_\_\_\_\_ Case No.: \_\_\_\_\_

Chapter: ☐ 7 ☐ 11 ☐ 12 ☐ 13 Name of Trustee) \_\_\_\_\_

Date: \_\_\_\_\_

**Sign and print your name. If you are signing the claim on behalf of another person or an estate, print your title.**

**Under penalty of perjury, I declare the foregoing statements to be true and correct.**

**Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Exhibit B – Sexual Abuse Claim Filing Deadline Notice**

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

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In re:

Case No.: 15-50792

Diocese of Duluth,

Chapter 11

Debtor-in-Possession.

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**NOTICE OF THE TIME FOR TIMELY FILING PROOFS OF CLAIMS RELATING  
TO, OR ARISING FROM, SEXUAL ABUSE**

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**THIS IS AN IMPORTANT NOTICE.  
YOUR RIGHTS MIGHT BE AFFECTED.**

**TO ALL PERSONS WITH CLAIMS ARISING FROM SEXUAL ABUSE FOR WHICH  
THE DIOCESE OF DULUTH MAY BE LIABLE:**

**MAY 25, 2016 IS THE LAST DATE TO TIMELY FILE PROOFS OF CLAIMS FOR  
SEXUAL ABUSE**

On December 7, 2015 The Diocese of Duluth filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code in the United States Bankruptcy Court for the District of Minnesota. The debtor's address, the case number, proof of claim forms and other relevant information related to this Chapter 11 case may be obtained at <http://www.dioceseduluth.org>. Individuals have asserted sexual abuse claims against the Diocese, on account of alleged actions by people associated with the Diocese. Any person who believes that he or she has, or may have, a claim arising from sexual abuse as that term is defined in Minnesota Statutes §541.073(1), molestation, rape, undue familiarity, sexually-related physical, psychological or emotional harm, or contacts or interactions of a sexual nature between a child and an adult, or a non-consenting adult and another adult for which such persons believe that the Diocese may be liable should carefully read this notice.

**YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE ANY QUESTIONS,  
INCLUDING WHETHER YOU SHOULD FILE A PROOF OF CLAIM.**

**LAST DATE FOR TIMELY FILING**

The United States Bankruptcy Court for the District of Minnesota entered an order establishing **May 25, 2016**, as the last date for each Sexual Abuse Claimant to timely file a proof of claim. The Claim Filing Deadline and the procedures set forth below for Sexual Abuse Proof of Claim Forms apply to all Sexual Abuse Claims against the debtor, based upon alleged acts of sexual abuse occurring prior to December 7, 2015.

### **WHO SHOULD FILE**

If you believe that you have a Sexual Abuse Claim, you should file a Sexual Abuse Proof of Claim to maintain and preserve any claims that you have against the debtor. Even if you have already filed a lawsuit against the debtor alleging sexual abuse prior to December 7, 2015, you should still file a Sexual Abuse Proof of Claim Form to maintain and preserve your rights in the debtor's Chapter 11 case.

### **WHO SHOULD NOT FILE**

You should not file a Sexual Abuse Proof of Claim Form if:

Your Sexual Abuse Claim has already been paid in full;

You do not have a claim against the debtor.

### **WHAT TO FILE**

**FILE A SEXUAL ABUSE PROOF OF CLAIM FORM, A COPY OF WHICH IS ENCLOSED. YOU MAY ALSO OBTAIN A COPY OF THE SEXUAL ABUSE PROOF OF CLAIM FORM BY FOLLOWING THE INSTRUCTIONS BELOW:**

### **PROCEDURES FOR FILING A SEXUAL ABUSE PROOF OF CLAIM FORM**

To file a Sexual Abuse Proof of Claim Form, take the following steps:

Fill out the Sexual Abuse Proof of Claim Form in its entirety.

For additional copies of the Sexual Abuse Proof of Claim Form: (a) photocopy the Sexual Abuse Proof of Claim Form; (b) contact the debtor between the hours of 9:00 a.m. and 5:00 p.m. (prevailing Central Time), Monday through Friday; (c) visit the debtor's website at: <http://www.dioceseduluth.org>; or (d) visit the website of United States Bankruptcy Court for the District of Minnesota at <http://www.mnb.uscourts.gov/>

**Please note that the Court's Clerk staff is not permitted to give legal advice. You should consult your own attorney for assistance regarding any such inquiries.**

Return the completed original Sexual Abuse Proof of Claim Form to the U.S. Bankruptcy Court Clerk at the address set forth below by the Claim Filing Deadline. Sexual Abuse Proof of Claim Forms will be deemed timely filed only if they are **actually received** by the Clerk of Court by **May 25, 2016**.

If you are returning a Sexual Abuse Proof of Claim Form by mail, allow sufficient mailing time so that the Sexual Abuse Proof of Claim Form is received on or before **May 25, 2016**. Sexual Abuse Proof of Claim Forms that are postmarked before that date, *i.e.*, the Claim

Filing Deadline, but which are received by the Clerk of the Court after the Claim Filing Deadline, will be considered tardy.

Sexual Abuse Proof of Claim Forms should be delivered to the following address:

Clerk of Court  
U.S. Bankruptcy Court District of Minnesota  
301 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415  
Attention: Heidi

**CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM**

There may be consequences for failing to file a claim. Please consult your attorney.

**CONFIDENTIALITY**

Filed Sexual Abuse Proof of Claim Forms will remain confidential in this bankruptcy case, unless you elect otherwise in Part 1 of the Sexual Abuse Proof of Claim Form. Therefore, the Sexual Abuse Proof of Claim Form that you file will not be available to the general public, but will be kept confidential, except that information will be provided to the debtor, the United States Trustee for the District of Minnesota, the debtor's insurers, attorneys for the official committee of unsecured creditors and its members, any future claims representative appointed under a plan of reorganization, any settlement trustee appointed to administer payments to Sexual Abuse Claimants, prison authorities for incarcerated Sexual Abuse Claimants and such other persons as the court determines should have the information in order to evaluate the Sexual Abuse Claim, all of whom will agree to keep the information provided by you confidential.

Dated:



**Exhibit C – Publication Notice**



# Diocese of Duluth

## BANKRUPTCY

If you were sexually abused by any person connected with the Diocese, a parish in the Diocese, a school in the Diocese, or have any claim against the Diocese, you must file a claim by May 25, 2016.

**CLAIMS MUST BE FILED BY MAY 25, 2016**

- For more information, visit [dioceseduluth.org](http://dioceseduluth.org)
- For U.S. Bankruptcy Court for the District of Minnesota information, visit [mn.uscourts.gov](http://mn.uscourts.gov)
- For advice about your rights, contact an attorney